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C O N F I D E N T I A L YEREVAN 001815

SIPDIS

DEPARTMENT FOR T AND EUR/CACEN

E.O. 12958: DECL: 08/14/2014

TAGS: [MARR](#) [PARM](#) [PREL](#) [AM](#)

SUBJECT: COURT HALTS RATIFICATION OF ROME STATUTE --  
ARTICLE 98 MAY HAVE TO WAIT

REF: U/S BOLTON - EMBASSY YEREVAN TELCON OF 8/4/2004

Classified By: CDA A.F.Godfrey for reasons 1.5 (b,d)

Summary

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1. (C) Armenia still hopes to ratify the Article 98 Agreement when the National Assembly returns from recess in September. We pressed FM Oskanian to keep to this timetable, but he said that the Constitutional Court is now reviewing the agreement and may decide that it would be unlawful to ratify the agreement until Armenia ratifies the Rome Statute.

We pressed Oskanian to de-link the two agreements, since we understand it may take some time for the Rome Statute to make its way to the parliament. Oskanian agreed to explore this option. End Summary.

2. (C) On August 12, CDA met with Foreign Minister Vartan Oskanian to underscore the USG's strong view that the Article 98 agreement with Armenia should be ratified as soon as possible. We noted U/S Bolton's recent personal engagement (ref) and asked how the GOAM saw this issue proceeding.

3. (C) Oskanian said that he recognized the importance of the Agreement to the USG and appreciated U/S Bolton's personal involvement. The GOAM continues to hope that the National Assembly will ratify the Agreement early in the autumn session. Because the Agreement contains language referring to the Rome Statute, it may be unlawful to ratify the document until the Rome Statute itself has been ratified, Oskanian explained.

4. (C) The Government's strategy had been to move the Rome Statute and the Article 98 Agreement to the parliament together, said Oskanian. But according to Oskanian, the GOAM finds the Statute to be "problematic in many ways" and the Constitutional Court is reviewing whether the Rome Statute can be forwarded to the parliament at all. We pressed Oskanian to try to de-link the two documents; the USG wants to count Armenia among those countries which have both signed and ratified an Article 98 agreement.

5. (C) Although Armenia signed the Rome Statute in 1998, President Kocharian waited until July 15 to ask the Constitutional Court to review whether the parliament could ratify the Statute. On August 13, the Court ruled that the Statute is unconstitutional and that five articles of Armenia's constitution would have to be amended before it could be ratified.

6. (C) On August 13, Deputy Foreign Minister Tatul Margaryan told CDA that the GOAM had pointed out the potential problem when negotiating test of the Agreement, but the U.S. side insisted on a specific reference to the Rome Statute. He was pessimistic about prospects for de-linking the two agreements.  
GODFREY